

EXHIBIT H

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
NORTHERN DIVISION

EQUAL EMPLOYMENT : CIVIL NO.
OPPORTUNITY COMMISSION:
and :
KATHY C. KOCH :
INTERVENOR/PLAINTIFF:
v :
L.A. WEIGHT LOSS :
CENTERS, INC. :
Defendant : WDQ-02-CV-648

NOVEMBER 19, 2004

Oral deposition of ELAINE

BUSSOLETTI, taken pursuant to notice, was held at the EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, The Bourse Building, 4th Floor, Philadelphia, PA, beginning at 9:55 a.m., on the above date, before Nancy D. Ronayne, a Court Reporter and Notary Public in the Commonwealth of Pennsylvania.

ESQUIRE DEPOSITION SERVICES
15th Floor
1880 John F. Kennedy Boulevard
Philadelphia, Pennsylvania 19103
(215) 988-9191

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1 properly run a center, whatever the issue 2 was it was ongoing.	1 Q. What exactly were you 2 trained at every two weeks at the 3 managers meeting?
3 Q. But it wasn't a formalized 4 training?	4 A. Sales performance, how to 5 better service your clients. You have to 6 understand our business, we're dealing 7 with people and in dealing with people 8 and in dealing with clients you have to 9 know how to properly service them. And 10 you have to know how to problem solve a 11 client. And we're dealing with people 12 who are here trying to lose weight. And 13 they come in to see us three times a week 14 and every time they come in they have 15 needs. We have to be able to service 16 those needs. Maybe they're going to 17 parties and they don't know how to eat. 18 Maybe they – they're not losing as 19 quickly as they thought they would and 20 they're extremely discouraged.
5 MR. LANDAU: Object to the 6 form of the question.	21 So we have to take into 22 account a lot of different situations. 23 It's ongoing knowledge that you have to 24 learn of how to take care and properly
7 MS. QUINLAN: What's the 8 objection?	
9 MR. LANDAU: What's the word 10 formalized mean?	
11 MS. QUINLAN: I mean I 12 appreciate that you didn't 13 understand the question but unless 14 the witness doesn't understand the 15 question I'm a little confused 16 with your objection.	
17 MR. LANDAU: Well I have a 18 right to object to the form of a 19 question if I don't – I didn't 20 tell her what – you asked me what 21 my objection was I just objected 22 to the form initially. I think 23 the word is ambiguous and the 24 witness may have understood it and	21 service a client. And the sales aspect 22 of it also. I mean you're not going to 23 sell every person that comes in as much 24 as you would like to do it. When a 5 person comes in they're very, very 6 emotional, and it's an emotional sale. 7 And that takes a long time to learn, I 8 believe it's a specialized sale.
25 MS. QUINLAN: So your 26 objection is that it's vague and 27 ambiguous?	9 You're dealing with a person 10 who got up in the morning, probably went 11 to her closet had absolutely nothing to 12 put on for work. She probably received 13 comments from her family or friends about 14 her weight. She doesn't feel comfortable 15 in her own skin. She's probably tried 16 every diet out there known to man and now 17 she's reaching out to you for help. And 18 when she comes reaching out for help 19 she's not offering it up on a silver 20 platter because she's embarrassed.
28 MR. LANDAU: I didn't say 29 vague, I think the word formalized 30 is ambiguous.	21 I mean I've had women tell 22 me they can't even take their kids to the 23 movies anymore because they can't fit in 24 the seats. She's not going to volunteer
31 BY MS. QUINLAN:	
32 Q. At these manager meetings 33 were training materials given out?	
34 A. Loraine always had a white 35 board of things that she worked off of, 36 we always took notes on everything that 37 was taken place. We role played, we 38 practiced. I cannot tell you if there 39 was a handout at any given meeting.	
40 Q. Aside from talking about 41 different aspects of the business what 42 was the other purpose of the meeting, was 43 it to talk about money or market and 44 things like that?	
45 A. No, it was all training.	

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<p>1 that information to me the minute I sit 2 down with her. It's a skill to learn to 3 peel through those layers and be able to 4 connect with the person on an emotional 5 level. And that's the most important 6 part of what we do and that takes ongoing 7 training to be able to master that skill.</p> <p>8 Q. Okay. So just what I 9 understand, when you had these managers 10 meetings the type of training that you're 11 talking about is the sales aspect and the 12 client service itself, dealing with the 13 client, empathizing with the client, 14 communicating with the client; is that 15 right?</p> <p>16 A. Not limited to just to that. 17 We have to learn how to do our books or 18 if you don't understand an office 19 procedure or a system of faxing, I mean 20 there's general business that you have to 21 conduct in addition to training while you 22 have everyone together. There's 23 motivational aspects of a meeting where 24 you're going to be recognized for your</p>	<p>Page 34</p> <p>1 A. Loraine Whelan. 2 Q. Were you Loraine Whelan's 3 assistant when you were promoted into 4 that position? 5 A. Yes, I was. 6 Q. During the time that you 7 held that position very brief two or 8 three weeks of assistant manager— I'm 9 sorry, of counselor, assistant manager 10 and manager, did you have any hiring 11 responsibilities? 12 A. Not to the best of my 13 knowledge. If Loraine did interviews in 14 my center and it was for someone in my 15 center she would introduce me to the 16 person but I was not responsible for the 17 hiring. 18 Q. Were you responsible for the 19 interview? 20 A. No. 21 Q. Were you required to give 22 approval for the hiring? 23 A. No. 24 Q. In your position as the</p>
<p>1 performances. 2 Q. So it's your understanding 3 that between the time that you were the 4 manager at Camp Hill and made the 5 assistant manager—the assistant area 6 manager, you had manager meetings every 7 two weeks; is that right? 8 A. I can't say that there was 9 never a time in what we wouldn't have one 10 in two weeks but our policy was to have 11 one every two weeks. 12 Q. When you moved from 13 counselor to assistant manager who 14 promoted you? 15 A. Loraine Whelan. 16 Q. And when you moved from 17 assistant manager to manager who promoted 18 you? 19 A. I'm sorry, did you say— 20 Q. When you moved from 21 assistant manager to manager? 22 A. Loraine Whelan. 23 Q. When you were promoted to 24 assistant area manager who promoted you?</p>	<p>Page 35</p> <p>1 assistant area manager did you have any 2 hiring responsibilities? 3 A. Yes, I did. 4 Q. What were those? 5 A. To help in the staffing of 6 the market, to assist Loraine in the 7 staffing of the market. 8 Q. How long were you assistant 9 area manager, from what time period from 10 September 1996 until approximately when; 11 do you know? 12 A. January '97, in and around. 13 Q. What were your duties as 14 assistant area manager? 15 A. In addition to taking care 16 of the Camp Hill center which I still 17 actively manage I would visit the other 18 centers two to three days a week to help 19 them to get up to where they should be. 20 Q. When you say up to where 21 they should be you mean in sales? 22 A. Sales and service. Again, 23 the two go hand in hand in our business 24 because if you don't service the sale,</p>

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<p>1 often.</p> <p>2 Q. When you say center managers</p> <p>3 is that something different?</p> <p>4 A. Than an area manager?</p> <p>5 Q. No. When you said meetings</p> <p>6 with center managers did you have a</p> <p>7 specific training session for center</p> <p>8 managers?</p> <p>9 A. At one point in time we</p> <p>10 decided to let the center managers hire</p> <p>11 for their staff and then we did do a</p> <p>12 formal series of meetings and workshops</p> <p>13 to train them completely.</p> <p>14 Q. And when was that that you</p> <p>15 gave the center managers authority to</p> <p>16 hire for their staff?</p> <p>17 A. I'm going to -- at some</p> <p>18 point in the year 2003 we took it back</p> <p>19 and they no longer do that but there was</p> <p>20 a brief period where they were allowed to</p> <p>21 do hiring and we provided training to</p> <p>22 them at that point.</p> <p>23 Q. Was that the only training</p> <p>24 you're aware that center managers</p>	Page 114	Page 116
<p>1 received in terms of the hiring?</p> <p>2 A. Everybody knows our hiring</p> <p>3 practices and policies--</p> <p>4 Q. That's not what I asked you.</p> <p>5 Listen to the question.</p> <p>6 A. Okay.</p> <p>7 Q. Other than that instance</p> <p>8 that you testified to about the training</p> <p>9 in 2003, are you aware of any other</p> <p>10 meetings of the center managers for</p> <p>11 training on hiring procedures?</p> <p>12 A. One on one training, not</p> <p>13 formal training, not formal classroom</p> <p>14 training, one on one training. As I told</p> <p>15 you earlier in my testimony that if we</p> <p>16 were in a center and we were interviewing</p> <p>17 we would bring the center manager in with</p> <p>18 us, it's a way to start to prepare them</p> <p>19 for the next position so that as we have</p> <p>20 positions available we're already in a</p> <p>21 pre-grooming stage. So yes, they would</p> <p>22 have been taught things along the way but</p> <p>23 not as part of their necessary job</p> <p>24 description but as part of their future</p>	Page 115	Page 117
<p>1 into their area supervisor position and</p> <p>2 would be taking on more of the</p> <p>3 responsibility.</p> <p>4 Q. Okay, let's go back to the</p> <p>5 training for the area supervisors that</p> <p>6 you were just discussing. When did that</p> <p>7 start occurring?</p> <p>8 A. Somewhere in the time after</p> <p>9 Karen came in with us. So it had to be</p> <p>10 after we were LA, sometime after '97, I</p> <p>11 couldn't tell you exactly when.</p> <p>12 Q. Did you ever attend such a</p> <p>13 training?</p> <p>14 A. I was an area prior to LA so</p> <p>15 no, I did not have that formal training</p> <p>16 with Karen that I did with Loraine.</p> <p>17 Q. And at that point in '97 you</p> <p>18 were supervising-- you were responsible</p> <p>19 for area supervisors?</p> <p>20 A. Once I became a regional</p> <p>21 supervisor I was responsible for area</p> <p>22 supervisors.</p> <p>23 Q. And do you recall your area</p> <p>24 supervisors attending a training?</p>		

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<p style="text-align: right;">Page 118</p> <p>1 A. I do. 2 Q. Do you remember when that 3 was? 4 A. I'm sorry, no. We had these 5 on an ongoing basis. Every few months we 6 had what we called an area supervisor 7 basic training that we held at corporate 8 and we flew our employees in or they 9 drove in and they attended training. 10 Q. So every three months all 11 the area supervisors at the company flew 12 in and had training? 13 A. New hires. 14 Q. New hires? 15 A. Right. And that's roughly 16 every two or three months give or take. 17 We try to do it with a time period. 18 However, prior to that they were still 19 given training on how to hire before they 20 went to supervisor. 21 Q. By who? 22 A. By their immediate 23 supervisor. 24 Q. And how do you know that,</p>	<p style="text-align: right;">Page 120</p> <p>1 what you said. 2 Q. Okay. You're talking about 3 communicating procedures et cetera with 4 regard to hiring to your staff? 5 A. Correct. 6 Q. And I'm asking you that, I'm 7 asking whether the type of training that 8 your staff received other than the two 9 trainings you talked about with the 10 center manager coming and the new hires 11 coming for the area supervisors, all 12 other training regarding hiring 13 procedures would have come from you? 14 A. Myself or Karen would still 15 do conference calls on it. Whenever we 16 got together as a company hiring would be 17 discussed. So again, it was an ongoing 18 process, it wasn't a one shot deal. 19 Because I said earlier, this was drilled 20 into our heads all along the way. 21 Q. I'm sorry, you said -- 22 MS. QUINLAN: Could you go 23 back and read that back. 24 (The court reporter read the</p>
<p style="text-align: right;">Page 119</p> <p>1 did you see that? 2 A. I was their area supervisor. 3 I was a regional. 4 Q. Oh, because you were doing 5 it yourself? 6 A. Sure. 7 Q. So you actually conducted 8 trainings? 9 A. I taught my areas, my areas 10 were used to hiring from me, from when 11 they were managers. Again, most of them 12 came up through the ranks with me, they 13 worked very closely with me, I trained 14 them to be ready to move into those 15 positions, so we would have been doing 16 hiring all along the way. 17 Q. So as far as your people 18 that you supervised you would basically 19 say that the training that they received 20 regarding hiring procedures was what you 21 gave them on an informal basis on a 22 day-to-day basis? 23 A. Okay, I need you to repeat 24 that because I didn't hear the first of</p>	<p style="text-align: right;">Page 121</p> <p>1 pertinent part of the record.) 2 BY MS. QUINLAN: 3 Q. You said about whenever we 4 got together as a company, what does that 5 mean? 6 A. We had different 7 conventions. We usually have an annual 8 convention in Las Vegas, we have summer 9 conferences for supervisors. This 10 started out back in '98. Karen was one 11 of our-- it was one of our first 12 conferences and Karen spoke on hiring. 13 Q. And when was that, '98? 14 A. Yes, October of '98. 15 Q. You also talked about phone 16 calls or conferencing, what would that 17 entail with Ms. Siegel? 18 A. Ongoing training, I would, 19 if I felt that there was any needs within 20 the market to provide additional 21 training, to provide refreshers, to go 22 over procedures, Karen would usually 23 conduct the conference calls for us. And 24 we would put the new-- any time we had</p>

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<p>Page 122</p> <p>1 new supervisors if they couldn't attend a 2 supervisor basic course Karen would get 3 on a conference call with them, explained 4 the policies and procedures to them and 5 go through the whole thing. They also 6 received an HR binder from the human 7 resources department with everything in 8 it that they needed.</p> <p>9 Q. So these trainings that 10 you're talking about, they weren't 11 specifically on hiring procedures but 12 they included hiring procedures, they 13 included all other aspects of their 14 employment and responsibilities of their 15 positions; would that be right?</p> <p>16 A. No, that wouldn't be right. 17 Some trainings were strictly— if I put 18 Karen on— asked Karen to get on a 19 conference call with supervisors the 20 agenda for that conference call would 21 specifically be hiring. Karen wouldn't 22 be involved in the day-to-day business of 23 what we did.</p> <p>24 Q. How often did you do that?</p>	<p>1 that was given by Ms. Siegel -- 2 A. No. 3 Q. --new hires? 4 A. No, you have it confused. 5 Our area supervisor training included how 6 to reach your numbers, how to conduct 7 your business, how to do hiring. They 8 were days, every day was a different 9 agenda with how to conduct a meeting or 10 workshop. So there were a lot of aspects 11 to that training. Hiring was a piece of 12 the training. Now if I had somebody 13 promoted through the ranks certainly they 14 could read their numbers, they knew how 15 to conduct the meeting and workshop but 16 we still never took for granted that 17 they— and denied them this piece of the 18 training, so they still received that 19 even if they were with us while we were 20 hiring they had it informally in the 21 field.</p> <p>22 Q. What about outside hires? 23 A. Outside hires usually would 24 need all of that. They would need the</p>
<p>Page 123</p> <p>1 A. If I had new supervisors 2 that couldn't attend trainings usually I 3 didn't let 30 days go by or I tried not 4 to let 30 days go by without a new 5 supervisor getting on a conference call 6 with Karen but they did receive an HR 7 binder prior to that.</p> <p>8 Q. And those were the 9 individuals who couldn't attend the area 10 supervisor training?</p> <p>11 A. Some of them didn't need the 12 basic training. Correct, some of them 13 came in with a very high skill level or 14 were promoted through the ranks so they 15 didn't need the basics of teaching them 16 other aspects of the business. They 17 still need the time with Karen for HR so 18 she would have a conference call with 19 them.</p> <p>20 Q. So there were determinations 21 made that is someone came in as a new 22 hire based on their level of experience 23 was presented to you that they wouldn't 24 have to go through the general training</p>	<p>Page 125</p> <p>1 whole class. 2 Q. There wasn't an instance 3 where you would have an outside hire and 4 they wouldn't need to go through this 5 generalized training you had talked 6 about?</p> <p>7 A. Regardless with the hiring 8 experience they came in with, they would 9 always need to talk with Karen in regards 10 to our hiring practices.</p> <p>11 Q. How about this— did they 12 need to go to this other general training 13 though, new hires?</p> <p>14 A. Again, it depended. If we 15 were brought somebody in from another 16 industry, suppose we hired someone from 17 Jenny Craig, they know the business, they 18 know how to read their numbers, they know 19 how to do a lot of those things already, 20 so we would make a judgment call at that 21 point whether they needed our basic, but 22 they still needed our hiring even if they 23 knew how to read our numbers.</p> <p>24 Q. Okay. Are there any records</p>

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<p>1 that show that these particular 2 individuals engaged in this training 3 telephonically?</p> <p>4 A. I didn't keep any records.</p> <p>5 Q. Were there any materials 6 given to these people who were engaged in 7 this training telephonically?</p> <p>8 A. They would have had their 9 human resources binder, with human 10 resources information about policy, the 11 phone screen guide with applications, 12 with everything that they needed.</p> <p>13 Q. Upon hire they would have 14 received these materials?</p> <p>15 A. HR usually mailed it out for 16 them.</p> <p>17 Q. Now with regard to yourself 18 we were talking about before that your 19 knowledge of the business and the hiring 20 procedures was basically through your 21 relationship with your supervisors in 22 discussing it and other managers; would 23 that be right?</p> <p>24 A. No. I just said I had</p>	<p>Page 126</p> <p>1 A. Yes. Loraine trained me in 2 all aspects of the business, sales, 3 service, hiring, all aspects of the 4 business.</p> <p>5 Q. And after that period of 6 time when you became a regional manager, 7 did you receive any training as a 8 regional manager on hiring procedures?</p> <p>9 A. And again, I guess I'm hung 10 up on the thing of training, are you 11 calling training a formal thing, we all 12 go into a classroom for four hours, are 13 you talking training here's our new 14 materials, here's how you use them --</p> <p>15 Q. I'm talking about --</p> <p>16 A. --go from there?</p> <p>17 Any time we produce new 18 materials we always went over them.</p> <p>19 Q. Let's go back to the first 20 one, maybe we're getting confused between 21 formalized and a general discussion of 22 materials.</p> <p>23 A. Yes. Yes.</p> <p>24 Q. So after you became the</p>
<p>1 trainings too.</p> <p>2 Q. What trainings did you have?</p> <p>3 A. Didn't we just-- we went 4 through all of these staff meetings and 5 workshops and I used to have all of them 6 on hiring.</p> <p>7 Q. You told me that you would 8 have manager meetings and it would be 9 discussed.</p> <p>10 A. Maybe we're talking about 11 two different time frames.</p> <p>12 Q. Yes, that may be. That may 13 be right.</p> <p>14 A. Why don't you tell me 15 exactly what time frame you're talking 16 about with me.</p> <p>17 Q. Okay. Prior to the time 18 that you became a regional manager?</p> <p>19 A. So I'm area supervisor?</p> <p>20 Q. Yes. Prior to that time 21 your exposure or knowledge to hiring 22 procedures were through your interactions 23 and conversations with your supervisors; 24 would that be accurate?</p>	<p>Page 127</p> <p>1 regional manager you didn't go to what we 2 would call a formalized training, in 3 other words, sit down a whole day, here's 4 the materials and all you would discuss 5 with other management officials would be 6 hiring procedures?</p> <p>7 A. If we came up with a 8 different interviewing guide it may be an 9 all day meeting.</p> <p>10 Q. Do you have a recollection 11 of an all day meeting? I don't want like 12 maybe or you thought or you should have, 13 I'm trying to get what you recall. I'm 14 not-- I'm not faulting you for not being 15 able to remember it's a long time ago.</p> <p>16 A. It's a long time.</p> <p>17 Q. And it's a lot of things. I 18 just don't want you to speculate I guess.</p> <p>19 A. I can't give you exact 20 dates. I can tell you I was trained, I 21 can tell you what forms, I can tell you 22 what paperwork. I can tell you what 23 conference calls. I can't give you exact 24 dates, times, who attended, I can't give</p>